

IN THE CLAIMS:

Please withdraw claims 42-46, cancel claims 8, 16 and 27, amend claims 1, 7, 9-14, 17-21, 28 and 35, and add new claims 47-53, all as shown below. All pending claims are reproduced below, including those that remain unchanged.

1 1. (Currently Amended): A device for creating and dilating an opening in the interspinous
2 ligament, the device comprising:
3 an elongated body, and a handle portion for manipulating the elongated body, and further
4 containing a tapered curved tip adapted for being urged into the interspinous ligament; and
5 whereby the diameter of the tapered curved tip gradually and continuously increases from
6 a first diameter to a second diameter, thus allowing for the creation and dilation of an opening in the
7 interspinous ligament.

1 2. (Original): The device according to Claim 1, whereby the tapered curved tip is
2 positioned at an angle relative to the elongated body, so that the interspinous ligament may be accessed with
3 minimal damage to surrounding body tissue.

1 3. (Original): The device according to Claim 1, whereby the first diameter is one millimeter,
2 and further wherein the second diameter is three millimeters.

1 4. (Original): The device according to Claim 1, whereby the first diameter is three
2 millimeters, and further wherein the second diameter is six millimeters.

1 5. (Original): The device according to Claim 1, whereby the first diameter is six
2 millimeters, and further wherein the second diameter is nine millimeters.

1 6. (Original): The device according to Claim 1, whereby the first diameter is nine
2 millimeters, and further wherein the second diameter is twelve millimeters.

1 7. (Currently Amended): A device for creating and dilating an opening in the interspinous
2 ligament, the device comprising:

3 an elongated body, containing a tapered curved tip adapted for being urged into the
4 interspinous ligament; and

5 a handle connected with the elongated body for manipulating the elongated body; and
6 wherein the diameter of the tapered curved tip gradually and continuously increases from a
7 first diameter to a second diameter.

1 8. (Cancel)

1 9. (Currently Amended): The device according to Claim 8 7, whereby the first diameter is one
2 millimeter, and further wherein the second diameter is three millimeters.

1 10. (Currently Amended): The device according to Claim 8 7, whereby the first diameter is
2 three millimeters, and further wherein the second diameter is six millimeters.

1 11. (Currently Amended): The device according to Claim 8 7, whereby the first diameter is six
2 millimeters, and further wherein the second diameter is nine millimeters.

1 12. (Currently Amended): The device according to Claim 8 7, whereby the first diameter is nine
2 millimeters, and further wherein the second diameter is twelve millimeters.

1 13. (Currently Amended): The device according to Claim 8 7, whereby the curved tip is
2 positioned at an angle relative to the elongated body, so that the interspinous ligament may be accessed with
3 minimal damage to surrounding body tissue.

Q 1 14. (Currently Amended) A device for creating and dilating an opening in the interspinous
2 ligament, the device comprising:

3 an elongated body, and a handle portion for manipulating the elongated body, and further
4 containing a curved tip adapted for being urged into the interspinous ligament; and

5 means for determining the size of an opening that an initial trial sizing instrument may be
6 placed within; and

7 wherein the diameter of the curved tip gradually and continuously increases from a first
8 diameter to a second diameter.

1 15. (Original): The device according to Claim 14, whereby the tapered curved tip is positioned at
2 an angle relative to the elongated body, so that the interspinous ligament may be accessed with minimal
3 damage to surrounding body tissue.

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16. (Cancel)

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17. (Currently Amended): The device according to Claim ~~16~~ 15, whereby the first diameter is one millimeter, and further wherein the second diameter is three millimeters.

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18. (Currently Amended): The device according to Claim ~~16~~ 15, whereby the first diameter is three millimeters, and further wherein the second diameter is six millimeters.

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19. (Currently Amended): The device according to Claim ~~16~~ 15, whereby the first diameter is six millimeters, and further wherein the second diameter is nine millimeters.

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20. (Currently Amended): The device according to Claim ~~16~~ 15, whereby the first diameter is nine millimeters, and further wherein the second diameter is twelve millimeters.

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21. (Currently Amended): A device for creating and dilating an opening of soft tissue, the device comprising:

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an elongated body, and a handle portion for manipulating the elongated body, and further containing a tapered curved tip adapted for allowing the curved tip to be urged into the soft tissue; and

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whereby the diameter of the tapered curved tip gradually and continuously increases from a first diameter to a second diameter, thus allowing for the creation and dilation of an opening in the soft tissue.

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1 22. (Original): The device according to Claim 21, whereby the tapered curved tip is
2 positioned at an angle relative to the elongated body, so that the soft tissue may be accessed with minimal
3 damage to surrounding body tissue.

1 23. (Original): The device according to Claim 21, whereby the first diameter is one
2 millimeter, and further wherein the second diameter is three millimeters.

1 24. (Original): The device according to Claim 21, whereby the first diameter is three
2 millimeters, and further wherein the second diameter is six millimeters.

1 25. (Original): The device according to Claim 21, whereby the first diameter is six
2 millimeters, and further wherein the second diameter is nine millimeters.

1 26. (Original): The device according to Claim 21, whereby the first diameter is nine
2 millimeters, and further wherein the second diameter is twelve millimeters.

1 27. (Cancel)

1 28. (Currently Amended): A device for creating and dilating an opening in soft tissue, the device
2 comprising:
3 an elongated body, containing a tapered curved tip adapted for being urged into the soft
4 tissue; and
5 a handle connected with the elongated body for manipulating the elongated body;

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wherein the diameter of the curved tip gradually and continuously increases from a first diameter to a second diameter.

1 29. (Original): The device according to Claim 28, whereby the diameter of the tapered
2 curved tip gradually increases from a first diameter to a second diameter, thus allowing for the creation and
3 dilation of an opening in the soft tissue.

1 30. (Original): The device according to Claim 28, whereby the first diameter is one
2 millimeter, and further wherein the second diameter is three millimeters.

1 31. (Original): The device according to Claim 28, whereby the first diameter is three
2 millimeters, and further wherein the second diameter is six millimeters.

1 32. (Original): The device according to Claim 28, whereby the first diameter is six
2 millimeters, and further wherein the second diameter is nine millimeters.

1 33. (Original): The device according to Claim 28, whereby the first diameter is nine
2 millimeters, and further wherein the second diameter is twelve millimeters.

1 34. (Original): The device according to Claim 28, whereby the curved tip is positioned at
2 an angle relative to the elongated body, so that the soft tissue may be accessed with minimal damage to
3 surrounding body tissue.

1 35. (Currently Amended): A device for creating and dilating an opening in the soft tissue, the
2 device comprising:

3 an elongated body, and a handle portion for manipulating the elongated body, and further
4 containing a curved tip adapted for being urged into the soft tissue; and

5 means for determining the size of an opening that an initial trial sizing instrument may be
6 placed within; and

7 wherein the diameter of the curved tip gradually and continuously increases from a first
8 diameter to a second diameter.

1 36. (Original): The device according to Claim 35, whereby the tapered curved tip is
2 positioned at an angle relative to the elongated body, so that the soft tissue may be accessed with minimal
3 damage to surrounding body tissue.

1 37. (Original): The device according to Claim 35, whereby the size determining means
2 include the diameter of the curved tip gradually increases from a first diameter to a second diameter.

1 38. (Original): The device according to Claim 35, whereby the first diameter is one
2 millimeter, and further wherein the second diameter is three millimeters.

1 39. (Original): The device according to Claim 35, whereby the first diameter is three
2 millimeters, and further wherein the second diameter is six millimeters.

1 40. (Original): The device according to Claim 35, whereby the first diameter is six
2 millimeters, and further wherein the second diameter is nine millimeters.

1 41. (Original): The device according to Claim 35, whereby the first diameter is nine
2 millimeters, and further wherein the second diameter is twelve millimeters.

42-46. (Withdrawn)

1 47. (New): A device for creating and dilating an opening in an interspinous ligament, the device
2 comprising:

3 an elongated body having a first end and a second end;

4 a handle portion connected with the first end;

5 a curved conical tip connected with the second end, the curved conical tip adapted to be
6 urged into the interspinous ligament.

1 48. (New): The device according to Claim 47, wherein the curved conical tip is positioned at an
2 angle relative to the elongated body, so that the interspinous ligament may be accessed with minimal damage
3 to surrounding body tissue.

1 49. (New): The device according to Claim 48, wherein the curved conical tip is solid.

1 50. (New): The device according to Claim 49, whereby the first diameter is one millimeter, and
2 further wherein the second diameter is three millimeters.

1 51. (New): The device according to Claim 49, whereby the first diameter is three millimeters,
2 and further wherein the second diameter is six millimeters.

1 52. (New): The device according to Claim 49, whereby the first diameter is six millimeters, and
2 further wherein the second diameter is nine millimeters.

1 53. (New): The device according to Claim 49, whereby the first diameter is nine millimeters, and
2 further wherein the second diameter is twelve millimeters.